

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

ERICK FELAN
Plaintiff

v.

CAZILA DORIN
Defendant

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CIVIL ACTION NO. 5:17-cv-00250

NOTICE OF REMOVAL

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

Pursuant to 28 U.S.C. §§ 1332, 1441 and 1446, Defendant, Dorin Cazila, erroneously sued as Cazila Dorin, respectfully removes the above-captioned action, presently pending in the 225th Judicial District Court of Bexar County, Texas, to the United States District Court for the Western District of Texas, San Antonio Division. As grounds for removal to this Court, Defendant states as follows:

1. On January 24, 2017, Plaintiff, Erick Felan (“Plaintiff”) commenced a civil action against Defendant for alleged personal injuries in the 225th Judicial District Court, Bexar County, Texas by filing his Original Petition bearing Cause No. 2017CI01329 (“State Court Action”).

2. On February 25, 2017, Defendant, Dorin Cazila, erroneously sued as Cazila Dorin, was served with a citation and a copy of Plaintiff’s Original Petition. Defendant timely answered the State Court Action on March 17, 2017. Therefore, this Notice of Removal is being filed within thirty (30) days in accordance with 28 U.S.C. § 1446(b).

3. Plaintiff is an individual residing in Bexar County, Texas. (Orig. Pet. at ¶ 2, Ex. A). For purposes of diversity jurisdiction, Plaintiff is a citizen of Texas.

4. Defendant Dorin Cazila is an individual residing in Woodstock, Cherokee County, Georgia. For purposes of diversity jurisdiction, Defendant Dorin Cazila is a citizen of the State of Georgia.

5. Complete diversity of citizenship exists between the parties to this action pursuant to and in accordance with the requirements of 28 U.S.C. § 1332, which confers original subject matter jurisdiction upon this Court.

6. The amount in controversy in this matter exceeds \$75,000.00, as required for diversity jurisdiction under 28 U.S.C. § 1332. In his Original Petition, Plaintiff alleges that he suffered bodily injuries as a result of the collision made the basis of his lawsuit which are permanent in nature. He alleges that he has suffered and may continue to suffer into the future physical pain and mental anguish and has incurred medical care expenses in the past and may incur such in the future for treatment of his injuries. (Orig. Pet. at ¶ 13 and 14). Additionally, "...Plaintiff seeks monetary relief **OVER TWO HUNDRED THOUSAND AND 00/100 DOLLARS (\$200,000.00) but not more than ONE MILLION AND 00/100 DOLLARS (\$1,000,000.00)...**" (Orig. Pet. at ¶ 17).

7. At the time of filing of this Removal, this matter was pending in Bexar County, Texas. Accordingly, the San Antonio Division of the Western District of Texas is the proper district and division for the removal of this matter. *See* 28 U.S.C. § 1446(a).

8. Defendant consents to the removal of this case to federal court and all are currently represented by the undersigned counsel.

9. Promptly after filing this Notice of Removal, Defendant will give written notice to Plaintiff and file a copy of the Notice of Removal with the Clerk of Court of the 225th Judicial District Court, Bexar County, Texas, as required by 28 U.S.C. § 1446(d).

10. Copies of the documents required to be filed with this Notice of Removal are attached hereto as Exhibits A – D.

WHEREFORE, Defendant respectfully prays this case be removed to the United States District Court for the Western District of Texas, San Antonio Division, and for any further relief this Court deems just and appropriate.

Dated: March 27, 2017

Respectfully submitted,

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By: /s/ Ronald E. Mendoza

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ATTORNEYS FOR DEFENDANT,
DORIN CAZILA

CERTIFICATE OF SERVICE

I hereby certify that the foregoing document was electronically filed with the clerk of the court using the CM/ECF system. Pursuant to Fed. R. Civ. P. 5(a)-(d), all counsel of record not deemed to have consented to electronic service will be served with a true and correct copy of the foregoing by mail, United States Postal Service, on this 27th day of March, 2017.

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/s/ Ronald E. Mendoza
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